

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCOS ANTONIO CASTILLO,
aka Marcos Castillo Talavera, aka
Alfonso Rene Palacio Talavera,

Defendant.

CR-17-38-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
GRANTING MOTION TO
CHANGE PLEA**

Defendant Marcos Antonio Castillo (Castillo) appeared before United States Magistrate Judge John Johnston on August 8, 2017, and entered a plea of guilty to Illegal Reentry of a Removed Alien, as set forth in the Indictment. Judge Johnston entered Findings and Recommendations the same day. (Doc. 22.) Judge Johnston determined: (1) that Castillo was fully competent and capable of entering an informed and voluntary plea; (2) that Castillo was aware of the nature of the charges against him and the consequences of pleading guilty to the charge; (3) that Castillo understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Castillo's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing

each of the essential elements of the offense charged; (5) that Castillo had adequate time to review the Plea Agreement with counsel; and (6) that Castillo understood each provision of the Plea Agreement. (Doc. 22 at 1-2.) Judge Johnston recommended that this Court accept Castillo's plea of guilty. (Doc. 22 at 2.) Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Castillo's Motion to Change Plea (Doc. 15) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 16) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 23rd day of August, 2017.



Brian Morris
United States District Court Judge